

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OPAL HARGER, *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR,
and THE NATIONAL INSTITUTE
OF OCCUPATIONAL SAFETY
AND HEALTH,

Defendants.

NO. CV-06-5071-RHW

**ORDER GRANTING MOTION
TO DISMISS**

Before the Court is Plaintiffs' Motion to Dismiss Plaintiff Markham Schack for Marvin Schack with Prejudice (Ct. Rec. 140). This motion was heard without oral argument.

Plaintiff Markham Schack, surviving son and personal representative of former Hanford worker Marvin H. Schack, moves the Court to dismiss his case with prejudice due to the recent approval of his EEOICPA claim and the full payment of benefits to him and his siblings. Defendants have no objection to this motion, and it appears Plaintiff Schack's claims have been rendered moot.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiffs' Motion to Dismiss Plaintiff Markham Schack for Marvin Schack with Prejudice (Ct. Rec. 140) is **GRANTED**.

2. The claims of Plaintiff Markham Schack, surviving son and personal representative of former Hanford worker Marvin H. Schack, are **DISMISSED**

1 **with prejudice.** Plaintiff Schack is now dismissed from this matter.

2 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
3 Order and to provide copies to counsel.

4 **DATED** this 10th day of March, 2008.

5
6 *s/Robert H. Whaley*
7 **ROBERT H. WHALEY**
8 Chief United States District Judge

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